

**ORDINANCE NUMBER 18-O - 2**

**AN ORDINANCE ENACTING CHAPTER 4, ARTICLE VI  
OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON**

WHEREAS, the Alabama Legislature passed and enacted Act 2017-320 during the 2017 Regular Session, approved by the Governor on May 18, 2017, which became effective on the first day of the third month following its passage and approval by the Governor;

WHEREAS, pursuant to Act 2017-320, the City of Anniston, as a Class 5 municipality, is authorized to establish civil penalties for violations of local animal control laws;

WHEREAS, Act 2017-320 also authorizes the City of Anniston to establish the position of certified animal control officer under the supervision of the Chief of Police, and the City may empower said officers to issue civil citations for violations of local animal control laws;

WHEREAS, by Act 2017-320, the Municipal Court for the City of Anniston is authorized to hear any appeals, impose and enforce civil penalties issued by the City's certified animal control officers;

WHEREAS, the City Council for the City of Anniston finds and determines that the best interests of the City and its citizens will be served by implementing the authorities granted by Act 2017-320, as empowering certified animal control officers to issue civil citations will provide an effective means to promote compliance with the City's animal control laws and will preserve the City's limited police resources for other law enforcement concerns;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Anniston, Alabama as follows:

Section 1. The City Council of the City of Anniston, Alabama hereby adopts and enacts Chapter 4, Article VI – Certified Animal Control Officers; Civil Violations, Penalties and Enforcement, Sections 4.93 through 4.94 of “The Code of the City of Anniston, Alabama, 1981,” which shall read in its entirety as follows:

**ARTICLE VI – Certified Animal Control Officers; Civil Violations, Penalties  
and Enforcement**

**Sec. 4.93 – Certified Animal Control Officers.**

(a) *Position Created.* There is hereby created the position of Certified Animal Control Officer within the City of Anniston Police Department and subject to the

supervision and control of the Chief of Police, subject to any applicable rules and regulations of the Civil Service Board for the City of Anniston, Alabama.

(b) *Certification; Minimum Standards.* The Chief of Police shall establish minimum qualifications and standards for training and experience that an individual must meet to obtain certification as a Certified Animal Control Officer. The Chief of Police shall also be responsible for certifying and revoking the certification of those persons appointed to serve in the position of Certified Animal Control Officer. The Chief of Police may also certify sworn peace officers that meet the minimum qualifications and standards for training and experience so as to authorize such officers to exercise the duties and authorities of a Certified Animal Control Officer. No person may exercise the power of a Certified Animal Control Officer to issue civil citations, as set forth in this Section, unless he or she is properly certified for the position.

(c) *Power to Issue Citations; Process.* Persons employed within the City of Anniston Police Department and properly certified by the Chief of Police are hereby authorized to issue civil citations to individuals who commit violations of the provisions of this Chapter governing the treatment, care, well-being and safety of animals. The Certified Animal Control Officer may issue civil citations by either certified mail or personal service. The citation shall specifically identify the provision of this Chapter that the individual has violated and shall issue a civil penalty in accordance with the Schedule of Civil Penalties set forth in this Article. The citation shall further inform the individual of his or her right to appeal the civil penalty to the Municipal Court.

#### **Section 4.94 - Civil Violations, Penalties and Enforcement.**

(a) *Civil Violations.* In addition to any other remedies or actions available by law, a person who violates the provisions of this Chapter governing the treatment, care, well-being or safety of an animal, as further identified in Schedule of Civil Penalties set forth in this Section, commits a civil violation and is subject to civil penalty for the violation.

(b) *Schedule of Civil Penalties.* A person who commits a civil violation within the corporate limits shall be subject to the civil penalty identified in the Schedule of Civil Penalties set forth herein.

Schedule of Civil Penalties			
Violation	1 <sup>st</sup> Penalty	2 <sup>nd</sup> Penalty	3 <sup>rd</sup> Penalty
Sec. 4.31 - Failure to obtain City license	\$25.00	\$50.00	\$100.00
Sec. 4.65 - Failure to attach license tag or decal to animal	\$15.00	\$25.00	\$50.00
Sec. 4.5 - Failure to clean up droppings	\$25.00	\$50.00	\$100.00
Sec. 4.37 - Failure to confine female dog or cat in heat	\$25.00	\$50.00	\$200.00
Sec. 4.51 - Harboring vicious or dangerous animal	\$25.00	\$50.00	\$100.00
Sec. 4.33 - Maintaining a nuisance	\$25.00	\$50.00	\$100.00
Sec. 4.61 - Failure to obtain rabies vaccination	\$25.00	\$50.00	\$100.00

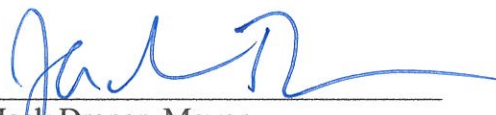
Sec. 4.36 - Allowing animal to be at large	\$25.00	\$50.00	\$100.00
Sec. 4.47 - Allowing animal known or presumed to be vicious at large	\$100.00	\$200.00	\$500.00
Sec. 4.43 - Breeding without a business license	\$200.00	\$300.00	\$500.00
Sec. 4.14 - Fighting animals	\$500.00	\$1,000.00	\$1,000.00
Sec. 4.15 - Stealing pets	\$500.00	\$1,000.00	\$1,000.00
Sec. 4.13 - Animal poisoning	\$1,000.00	\$1,000.00	\$1,000.00
Sec. 4.36 - Failure to restrain	\$25.00	\$50.00	\$100.00
Sec. 4.10(1) and (5) - Cruelty to animals – Override, torture, mutilation	\$500.00	\$1,000.00	\$1,000.00
Sec. 4.10(2) - Cruelty to animals – Failure to provide adequate food, shelter, water or shade	\$100.00	\$200.00	\$300.00
Sec. 4.10(3) - Cruelty to animals – Failure to provide medical care	\$100.00	\$200.00	\$300.00
Sec. 4.10(4) – Cruelty to animals - Failure to provide sanitary premises	\$100.00	\$200.00	\$300.00
Sec. 4.10(6) and (7) – Cruelty to animals – Improper restraint, tethering puppies	\$50.00	\$100.00	\$200.00
Sec. 4.10(8) and (9) – Cruelty to animals – Abandonment, leaving in hot vehicle	\$100.00	\$200.00	\$300.00
Sec. 4.10(10) – Cruelty to animals – Failure to transport properly	\$50.00	\$100.00	\$200.00

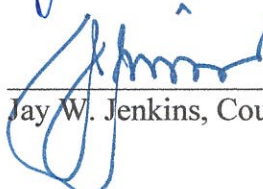
(c) *Enforcement.* The Municipal Court for the City of Anniston shall have the jurisdiction to hear any appeal and impose and enforce civil penalties issued under the authority granted by this Article. Upon an appeal, the Municipal Judge shall have the power to impose the civil penalties set forth in the above Schedule of Civil Penalties upon finding that the person subject to the court's jurisdiction committed the violation for which he or she was cited. The Municipal Judge shall also have the power to enforce civil penalties issued or imposed under this Article.

Section 2. This ordinance shall become effective immediately upon its adoption and publication one (1) time in The Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama. The City Clerk is hereby authorized and directed to cause a copy of this ordinance to be published one time in said newspaper.

**PASSED and ADOPTED** this 6 day of March, 2018.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

  
\_\_\_\_\_  
Jack Draper, Mayor

  
\_\_\_\_\_  
Jay W. Jenkins, Council Member



David E. Reddick, Council Member

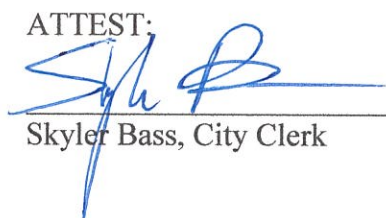


Ben Little, Council Member



Millie Harris, Council Member

ATTEST:



Skyler Bass, City Clerk